

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:22-cv-00149-FDW-DCK

JULIO PEREZ,

Plaintiff,

vs.

FNU O'CONNELL
WILLIAM GINKENS,

Defendants.

AND

ORDER

THIS MATTER is before the Court *sua sponte* following Plaintiff's failure to comply with this Court's Order directing him to show cause why the complaint against Defendants should not be dismissed for failure to prosecute. (Doc. No. 5).

In that Order, the Court directed Plaintiff to show cause by December 29, 2022, why service was not completed within the required time limit and a request for an extension of time for service, or, if a defendant has been served, to provide an affidavit of service within that time and an appropriate motion for entry of default under the Federal Rules of Civil Procedure. Plaintiff failed to comply and the time for doing so has expired.

Accordingly, for the reasons stated in the Show Cause Order, (Doc. No. 5), the Complaint is DISMISSED WITHOUT PREJUDICE and WITHOUT LEAVE TO AMEND.¹ The Clerk of Court is respectfully directed to enter judgment accordingly and


CLOSE

¹ See *Britt v. DeJoy*, 45 F.4th 790, 798 (4th Cir. 2022) ("By now holding that an order dismissing a complaint without prejudice and without granting leave to amend is final, we anchor ourselves to precedent that balances the district court's position as master of its docket, this Court's supervisory authority, the need for clarity in assessing the finality of an order, and—ultimately—judicial efficiency." (cleaned up)).

THE CASE.

IT IS SO ORDERED.

Signed: January 9, 2023


Frank D. Whitney
United States District Judge

